

### **REMARKS**

Claims 1, 2, and 5-8 have been modified. Claims 3 and 4 have been canceled. Claims 9-13 were withdrawn from consideration. Claims 14-23 have been added. Claims 1, 2, and 5-23 are pending in the application. No new matter has been added. Following discussion regarding patentability of the claims is directed toward the claims as amended herein. Reconsideration and reexamination is respectfully requested.

#### **1. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 102(e):**

In item 4 on page 2 of Paper 7 dated 2 April 2003, claims 1-8 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Huang, U.S. Patent Number 6,161,909 entitled "Computer Mainframe Case and Side Cover Arrangement", hereinafter *Huang*. Applicant respectively traverses.

As stated in MPEP 2131 "To anticipate a claim, the reference must teach every element of the claim." As will be shown in the following paragraphs, *Huang* fails to teach or suggest every element of claims 1, 2, and 5-8. Claims 3 and 4 have been cancelled.

Referring to 37 CFR § 1.104©)(2) which reads, in part, as follows:

"In rejecting claims for want of novelty or for obviousness ... When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable."

While Paper 7 in item 4 directs Applicant's attention to "a first body (22)" [top flange 22 of *Huang*], "a second body (16)" [raised portion 16 of *Haung*], and a bendable piece of material (4)" [V-shaped spring of *Huang*], it fails to designate "the particular part relied on" as required by 37 CFR § 1.104©)(2). In particular, Paper 7 failed to designate in *Huang* the alleged following items (1) the first section, the second section, the third section, and the fourth section of the bendable piece, (2) the first angle, the second angle, and the third angle, and (3) where the first section is attached to the second body. Applicant respectively requests that Examiner specifically identify the particular part(s) disclosed in *Huang* and the corresponding element(s) in Applicant's claims 1, 2, and 5-8 that Examiner believes are anticipated by *Huang*.

#### **Regarding Rejection of Independent Claim 1 Under 35 U.S.C. § 102(e):**

*Huang* fails to disclose or suggest several of the claim limitations of claim 1 of the Present Application. Among these items is that the first body, as identified above by Paper 7, does NOT comprise a stop, that "when the bendable piece is located in a first position, the second section of the bendable piece is positioned against one side of the stop thereby preventing movement of the first body with respect to the second body in a preselected direction along the given axis", or that when the bendable piece is located in a second position "the second section is removed from contact with the stop, and the stop is movable freely past the second section in the preselected direction".

Also, it is not clear to Applicant which portion of *Huang*'s V-shaped spring (4) Paper 7 alleges is analogous to the first section of the bendable piece of the Present Application. Regardless, in *Haung* none of the sections of the V-shaped spring (4) [bendable piece] is attached to the raised portion (16) [second body].

In *Haung* the V-shaped spring (4) appears to have four sections, whereas the bendable

piece of the claim 1 of the Present Application only “comprises a first section and a second section”.

Again it is not clear to Applicant which portion of *Huang's* V-shaped spring (4) Paper 7 alleges is analogous to the first and second sections of the bendable piece of the Present Application. However, assuming that Paper 7 intended one of the “feet” of the V-shaped spring to be analogous to the first piece and the second piece to be one of the legs of the “V”, the angle disclosed between these two items is GREATER than 90 degrees, whereas in claim one the first angle lies between zero and 90 degrees as measured counter clockwise from the first section.

Because *Huang* fails to teach every element of claim 1 as required by MPEP 2131, *Huang* does not anticipate claims 1. In addition, *Huang* fails to suggest every element of claim 1. Thus, claim 1 is allowable over *Huang*.

**Regarding Rejection of Dependent Claims 2 and 5-8 Under 35 U.S.C. § 102(e):**

Because dependent claims 2 and 5-8 depend from independent claim 1, it is noted that dependent claims 2 and 5-8 have all the features described above for claim 1 as elements. As demonstrated above, independent claim 1 is not anticipated by *Huang*, nor does *Huang* suggest every element of claim 1. Thus, claims 2 and 5-8 are allowable over *Huang*.

**2. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 102(b):**

In item 5 on page 4 of Paper 7, claims 1-8 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Burgess, U.S. Patent Number 3,194,623 entitled "Drawer Suspension Retainer", hereinafter *Burgess*. Applicant respectively traverses.

As will be shown in the following paragraphs, *Burgess* fails to teach or suggest every element of claims 1, 2, and 5-8. Claims 3 and 4 have been cancelled.

**Regarding Rejection of Independent Claim 1 Under 35 U.S.C. § 102(b):**

Paper 7 in item 5 directs Applicant's attention to items alleged to correspond to those in Applicant's claims. Among these are “a first body (15)” [rail 15 of *Burgess*], “a second body (12)” [inwardly extending lower flange 12 of *Burgess*], a “first section (29)” [free end 29 of *Burgess*], a “second section (23)” [spring 23 of *Burgess*], a “third section (27a)” [detent portion 27 of *Burgess*], and a “fourth section (26)” [detent portion 27 of *Burgess*].

*Burgess* fails to disclose or suggest several of the claim limitations of claim 1 of the Present Application. Using Paper 7's identifications and “when viewed from opposite direction shown in figs.” as indicated in item 5, the first angle formed between the first and second sections and “measured in a counter-clockwise direction from the first section” with the first angle is NOT less than or equal to 90 degrees when the piece is un-deflected as in claim 1 of the Present Application.

Also, in *Burgess* the junction of the first and second sections is in contact with the inwardly extending lower flange 12 (allegedly corresponding to the second body of the Present Application), but is NOT attached to it, whereas in the Present Application “at least a portion of the first section is attached to the second body”.

And further, the vertex of the first angle remains at the same distance “from the stop as measured in a direction perpendicular to the given axis than in the first position”.

Because *Burgess* fails to teach every element of claim 1 as required by MPEP 2131, *Burgess* does not anticipate claim 1. In addition, *Burgess* fails to suggest every element of

claim 1. Thus, claim 1 is allowable over *Burgess*.

**Regarding Rejection of Dependent Claims 2 and 5-8 Under 35 U.S.C. § 102(b):**

Because dependent claims 2 and 5-8 depend from independent claim 1, it is noted that dependent claims 2 and 5-8 have all the features described above for claim 1 as elements. As demonstrated above, independent claim 1 is not anticipated by *Burgess*, nor does *Burgess* suggest every element of claim 1. Thus, claims 2 and 5-8 are also allowable over *Burgess*.

**3. REGARDING NEW CLAIMS 14-23:**

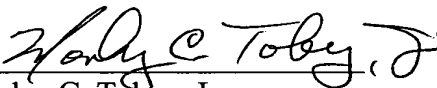
Because dependent claims 14-23 depend from independent claim 1, it is noted that dependent claims 14-23 have all the features described above for claim 1 as elements. As demonstrated above, independent claim 1 is not anticipated by *Huang*, nor does *Huang* suggest every element of claim 1. Thus, claims 14-23 are allowable over *Huang*.

Also as demonstrated above, independent claim 1 is not anticipated by *Burgess*, nor does *Burgess* suggest every element of claim 1. Thus, claims 14-23 are also allowable over *Burgess*.

**4. CONCLUSION:**

Entry of this amendment is respectfully requested. Applicant believes that all claims pending in this Patent Application as described above are allowable and that all other problems raised by the Examiner have been rectified. Therefore, Applicant respectfully requests the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

by   
Morley C. Tobey, Jr.  
Reg. No. 43,955

June 23, 2003  
Loveland, CO 80537  
(970) 669-1266